

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
) No. 13-10048-FDS
vs.)
)
KING BELIN,)
Defendant.)

BEFORE: THE HONORABLE F. DENNIS SAYLOR, IV

STATUS CONFERENCE

John Joseph Moakley United States Courthouse
Courtroom No. 2
One Courthouse Way
Boston, MA 02210

January 9, 2014
11:50 a.m.

Valerie A. O'Hara
Official Court Reporter
John Joseph Moakley United States Courthouse
One Courthouse Way, Room 3204
Boston, MA 02210
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1 APPEARANCES:

2 For The United States:

3 United States Attorney's Office, by JOHN A. WORTMANN, JR.,
4 ESQ., 1 Courthouse Way, Suite 9200, Boston, Massachusetts
02110;

5 For the Defendant:

6 Federal Public Defender's Office by IAN GOLD, ESQ.,
7 51 Sleeper Street, Boston, Massachusetts 02210.

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1 PROCEEDINGS

2 THE CLERK: Court is now in session in the matter of
3 United States vs. King Belin. This is Case Number 13-10048.
4 Counsel, please note your appearances for the record.

5 MR. WORTMANN: Your Honor, good morning, John Wortmann
6 for the United States.

7 MR. GOLD: Your Honor, good morning, Ian Gold.

8 THE COURT: Thank you for your patience. We're
9 starting a little late because the last matter ran over, and
11:50AM 10 let the record reflect that the defendant is present.
11 Mr. Gold, this is a status conference. What are we going to
12 do?

13 MR. GOLD: Well, just to bring us up to speed from
14 where we were last week, last week Mr. Belin expressed an
15 interest in scheduling a trial. We had talked about creating
16 some space to negotiate a disposition. I wanted to let the
17 Court know on the night of January 2nd, I wrote Mr. Belin and
18 sent him a fair amount of materials about the case, and I
19 learned today that Mr. Belin hasn't received them yet, but we
11:50AM 20 had had an opportunity to discuss some aspects of the case.

21 THE COURT: You have had?

22 MR. GOLD: We have had this morning, and what I would
23 like to do is based on my conversation with Mr. Belin request
24 the Court afford us an opportunity to brief a motion for
25 reconsideration of the Court's January 2nd decision.

1 We have the transcripts already of the hearing itself,
2 which are part of the materials that were on the way to
3 Mr. Belin that he hasn't had yet, but he is interested in
4 pursuing that. I have some ideas about what that might consist
5 of once we have a record of the Court's oral decision.

6 If the Court were inclined, we would ask for 30 days
7 to prepare that.

8 THE COURT: Mr. Wortmann, what's the government's
9 view?

11:51AM 10 MR. WORTMANN: Your Honor, I have no problem with
11 what's proposed as long as the time is excluded and as long as
12 it works into sort of a larger time schedule so that we know
13 we're going to have a trial and we know we're not going to have
14 any speedy trial problems.

15 If you were to allow the motion, the 30 days for the
16 motion for reconsideration, what I would ask is that after
17 reading the motion for reconsideration, if the Court decides
18 that it wants to hear more from the government that you tell me
19 and I'll file something, and then maybe we can, you know, agree
11:52AM 20 to a tentative trial schedule that makes sense for your
21 schedule given what you have in front of you, and as long as
22 it's agreeable to the parties and the parties agree to an
23 exclusion up until the trial date, I'm fine with that.

24 THE COURT: I don't have a problem with giving
25 Mr. Gold a reasonable opportunity to file a motion. You know,

1 any motion for reconsideration is an uphill climb. I like to
2 think that my ego isn't involved, if I got something wrong,
3 I'll reconsider it. It isn't a second bite of the apple to
4 make arguments better that could have been made the first time
5 around. I'll give you that opportunity.

6 I think Mr. Wortmann's point is probably a valid one,
7 in both respects, that, first, I probably will at least need to
8 read it or glance through it and see if I want a reply from the
9 government, and the larger issue of whether there's going to be
11:53AM 10 a trial, a conditional plea, whatever, ought to be not put on
11 hold while we're dealing with this.

12 Peter, let me look at the calendar. I have some
13 issues in February. What I'm going to do, because I am in
14 Washington and generally out beginning on February 10th, I'm
15 going to give you somewhat less than 30 days. I'm going to
16 direct that any motion for reconsideration be filed by Tuesday,
17 February 4th, and I'm going to set this for a status conference
18 at 3:00 on Thursday, February 6th. That will give me a chance
19 to read it and we can meet. Will that work, Mr. Gold?

11:55AM 20 MR. GOLD: Yes, that will be perfect.

21 THE COURT: Mr. Wortmann, does that work for you?

22 MR. WORTMANN: I wonder if it makes just sense to talk
23 a little bit now about what the Court's schedule is and when
24 you would next be available for a trial assuming that we
25 were --

1 THE COURT: All right. I just had a lengthy and
2 contentious conference in the O'Brien case, which is the
3 probation department case. That's scheduled for a six-week
4 trial beginning February 24th. The defense is seeking to have
5 me continue that. It's a nonfrivolous motion, but I'm
6 certainly not going to assume I'm going to continue it. That
7 ties me up into early April. I have a civil jury trial
8 scheduled for April 7th. That's probably bumpable. I am
9 leaving the country at some point I think on April 17th for a
10 week, and so --

11:56AM

11 MR. WORTMANN: I guess what I'd ask, your Honor, on
12 that if it makes sense, and obviously you need to make that
13 decision that you schedule us, if you could, for April 7th.

14 THE COURT: That is certainly doable from my
15 standpoint, but I think -- I don't think I need to make that
16 decision now. In other words, if I'm going to bump the civil
17 trial, I doubt I would schedule anything else in that window if
18 it's a concern. I guess I'll ask Mr. Cicolini to make note of
19 it, to stop me from scheduling anything else that week of
20 April 7th.

11:56AM

21 MR. WORTMANN: As I figure it, I would ask the Court
22 to exclude the time from today until February 6th based on
23 Mr. Gold's request.

24 THE COURT: That I'm willing to do.

25 MR. WORTMANN: At that point, we'd have 70 days from

1 then, and I think we'd probably be fine.

2 THE COURT: Again, if we need to try it for speedy
3 trial issues one way or the other, we'll try it, even if I have
4 to farm it out to another Judge. Mr. Gold.

5 MR. GOLD: Thank you, your Honor. I agree with that.
6 I think by the 6th, we'll have the motion briefed and some more
7 clarity.

8 THE COURT: Again, I think we need to know by then not
9 a final decision but at least a working assumption, is it going
11:57AM 10 to be a trial, conditional plea, whatever. Let me state
11 emphatically, I'm not getting involved in plea negotiations,
12 and if the defendant wants to go to trial, I'll give him a
13 trial and a speedy one and a fair one, as far as I can make it,
14 but for planning purposes we do need to know, I do need to
15 know.

16 MR. WORTMANN: I have March 3rd probably a week-long
17 trial, but other than that, so...

18 THE COURT: We'll work this out one way or the other.
19 All right. So that will be the timetable, again, February 4th
11:58AM 20 for the filing of a motion to reconsider, status conference on
21 February 6th at 3:00, and I take it that there's no objection
22 to excluding the time between today and February 6th in the
23 interests of justice to permit the preparation of this motion
24 to reconsider?

25 MR. SHAPIRO: No, your Honor.

1 THE COURT: All right. I find that the ends of
2 justice served by taking that action outweigh the interests of
3 the parties and the public in a speedy trial, and I'll enter a
4 written order to that effect, and we'll see where we are on
5 February 6th.

6 MR. WORTMANN: Thank you, your Honor.

7 MR. GOLD: Thank you.

8 (Whereupon, the hearing was adjourned at 11:58 a.m.)
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C E R T I F I C A T E

UNITED STATES DISTRICT COURT)
DISTRICT OF MASSACHUSETTS) ss.
CITY OF BOSTON)

I do hereby certify that the foregoing transcript,
Pages 1 through 10 inclusive, was recorded by me
stenographically at the time and place aforesaid in Civil
Action No. 13-10058-FDS, UNITED STATES OF AMERICA vs.
KING BELIN and thereafter by me reduced to typewriting and is a
true and accurate record of the proceedings.

Dated this 31st day of January, 2014.

s/s Valerie A. O'Hara

VALERIE A. O'HARA

OFFICIAL COURT REPORTER